

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

AUG 18 2016

JAMES N. HATTEN, Clerk  
By: *[Signature]* Deputy Clerk

ALFONZA MCKEEVER JR. , ) Bankruptcy File No.  
Debtor ) 10-92243-WLH

v. )

1:16-CV-3032

Wendy L. Hagenau (JUDGE, USBC); )  
Cathy Scarver (TRUSTEE, USBC) ; )  
William Russell Patterson, et. al. . )

**BANKRUPTCY DEBTOR'S COMPLAINT IN FRAUD**

COMES NOW the Debtor, in propia persona, Alfonza McKeever ("McKeever"), in the above-styled action, pursuant to US Const Amends. 5 and 14; and 42 USC § 1983 and hereby files and submits this COMPLAINT against the US BANKRUPTCY COURT and TRUSTEE and other Defendants according to the manner provided by law. In support hereof, McKeever shows the Court the following:

I. **JURISDICTION**

Jurisdiction is proper in this court, pursuant to 28 USC §1331, as the amount in controversy exceeds <sup>175,000.00</sup> ~~75,000.00~~ and the merits of the action involves questions concerning rights held under the US Constitution.

II. **PARTIES AND VENUE**

1. Plaintiff, Alfonza McKeever ("McKeever"), is the the Petitioner in the subject pending bankruptcy action case no. 10 - 92243 in the UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF GEORGIA. Plaintiff resides at 4020 Berry Hill Trail, Stone Mountain, Georgia 30083. Plaintiff is subject to the jurisdiction of this COURT.

2. Defendant, Wendy L. Hagenau ("JUDGE HAGENAU"), is the PRESIDING JUDGE in US BANKRUPTCY COURT action no. 10-92243. JUDGE HAGENAU maintains offices and an agent located at US COURTHOUSE - OFFICE OF THE US BANKRUPTCY COURT CLERK - 75 Ted Turner Drive, SW, Atlanta, Ga. 30303. JUDGE HAGENAU is subject to the jurisdiction of this COURT.

3. Defendant, Cathy L. Scarver (TRUSTEE SCARVER"), is the TRUSTEE matter cited above in ground no.2 and may be located at the OFFICE OF THE US BANKRUPTCY TRUSTEE located at the same address. Cathy Scarver is subject to the jurisdiction of this COURT.

4. Defendant, William Russell Patterson ("Patterson"), is the TRUSTEE's Counsel matter cited above in ground no.2 and may be located at the OFFICE OF THE US BANKRUPTCY TRUSTEE located at the same address. Patterson is subject to the jurisdiction of this COURT.

#### **I. STATEMENT OF THE ALLEGED FACTS**

5. McKeever filed the instant voluntary Chapter 13 bankruptcy petition on October 29, 2010;

6. On July 13, 2011, the instant action was converted to a Chapter 11 action by order of the COURT upon McKeever's motion. (docket. nos. 44,45);

7. Since the time McKeever filed this action with the COURT, the COURT has failed to give due consideration to McKeever's claims and concerns on a reasonable and equal basis as the claims of the TRUSTEE in this matter;

11. The COURT has shown active bias and prejudice by allowing the TRUSTEE to skirt established law concerning the TRUSTEE's fiduciary duties to McKeever's estate without reprimand or censure, and has granted every request made by the TRUSTEE without reserve while denying each request for relief made by McKeever without explanation;

12. The COURT has shown active bias and prejudice against McKeever and favor of the TRUSTEE without cause which has prevented McKeever from enjoying access to a fair process and which has resulted in the COURT rendering decisions by way of substantive orders that has wrongly disposed of McKeever's assets without the intent or effect of satisfying McKeever's legitimate and verifiable debts, and which have caused the TRUSTEE and other unqualified non-parties/non-creditors to receive an unjust direct monetary benefit in exchange for some unknown and unlawful consideration at the expense of the McKeever estate;

13. At all times during the pendency of this action, it appears from the record and supporting unrecorded facts, that the COURT is actively conspiring with the TRUSTEE (and others interested) to deprive McKeever of access to a fair court in order to wrongfully use the bankruptcy process to deprive McKeever of McKeever's estate property under color of law for the sole and exclusive benefit of persons not associated with McKeever's estate or the estates' creditor's claims;

14. McKeever, being a petitioner whom is not a licensed attorney,

V. **RIGHT TO RELIEF**

Whereas Plaintiff is entitled to a fair court and trial process without incurring duress, and the benefit of due process absent fraud and misuse of government power.

Whereas McKeever asserts that the above and within claims of facts tend to raise questions in the mind of objective and reasonable persons concerning the impartiality and fairness of the COURT such that the same affronts the Code of Judicial Conduct.

McKeever is entitled to and move for this case to be properly and expeditiously reassigned according to law, and to due process that proceeds without diversion or unnecessary delay, McKeever moves his Court to decide the subject Motion to Recuse and file such final order accordingly.

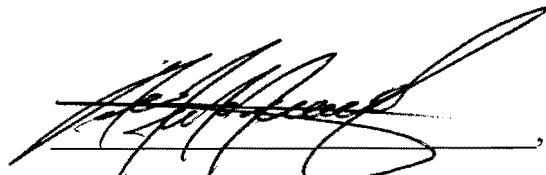
V. **RELIEF REQUESTED**

WHEREAS, for the reasons above and within, which Plaintiff hereby attests and certifies as true and correct based upon Plaintiff's direct and personal knowledge of the same, Plaintiff respectfully moves this Court:

- (1) For a stay of execution of any order of record on the merits of this action until such time as any appeal is fully disposed;
- (2) For a Final Order on the Motion to Recuse be filed; entered; and served upon the Parties hereof, and;
- (3) For such further and additional relief deemed just and proper in this Court's discretion.


Respectfully Filed and Submitted,

This 18 day of February, 2016.

  
Alfonza McKeever, Petitioner/Debtor

4020 Berry Hill Trail  
Stone Mountain, Ga. 30083

NOTARY

CAME BEFORE ME, was the Affiant - Al McKeever -  
whom after being first duly sworn, did subscribe his original  
signature hereto.  
This 18th day of August 2016  
 Marvin Wooley Notary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served counsel for all concerned parties with a copy of the within and foregoing pleading by hand delivery or by depositing a copy of same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery and addressed to:

Cathy Scarver - P.O.Box 7287, Marietta, Ga. 30006

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Erich N Durlacher - 171 17th Street, NW, Ste 100, Atlanta, Ga. 30363

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This 18 day of August, 2016.

A handwritten signature in black ink, appearing to read 'Alfonza McKeever', is written over a horizontal line.

Alfonza McKeever, Petitioner

